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09/893,693	06/29/2001	Richard A. Watson JR.	06975-088001	4959

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EXAMINER

COFFY, EMMANUEL

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary

Application No.

09/893,693

Applicant(s)

WATSON, RICHARD A.

Examiner

Emmanuel Coffy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the application filed on 29 June, 2001. Claims 1-29 are pending. Claims 1-29 are directed to a method, computer program and apparatus for a "Enabling Communications of Electronic Data Between an Information Requestor and a Geographically Proximate Service Provider."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 2, it is rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites: "...in a tunneling protocol at the proxy." It is not clear what the boundary of the claim is. Hence, the scope of the claim is unascertainable.

However, in order to expedite a complete examination the Examiner asserts that this invention is understood as: "...further encapsulating the data requests in a Layer Two Tunneling protocol at the proxy".

3. Regarding claim 9 the phrase "user-defined preferences" renders the claim indefinite because the claim includes elements not actually disclosed (those encompassed by " user-defined preferences "), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). This is applicable to all other claims where the phrase "user-defined preferences" is found. Furthermore, every claim which claims

dependency on a claim rejected under this paragraph is rejected by virtue of said dependency.

However, in order to expedite a complete examination the Examiner asserts that this invention is understood as: "...the filtering is performed according to contents filtering".

4. Regarding claim 16 the phrase "...a disc" renders the claim indefinite because a disc is not defined; thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d). This is applicable to all other claims where the phrase "a disc" is found. Furthermore, every claim which claims dependency on a claim rejected under this paragraph is rejected by virtue of said dependency.

However, in order to expedite a complete examination the Examiner asserts that this invention is understood as: "...a hard disk."

5. Regarding claim 17 and 18 the phrase "a client device" and "host device" render the claims indefinite because a client device and host device are not defined; thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d). This is applicable to all other claims where the phrase "a client device or host device" is found. Furthermore, every claim which claims dependency on claims rejected under this paragraph is rejected by virtue of said dependency.

However, in order to expedite a complete examination the Examiner asserts that this invention is understood as: "...a processor and memory."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, 5, 6, 8-12, 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabinovich (US 6,256,675) in view of Coley et al. (US 5,826,014).

Rabinovich teaches the invention substantially as claimed including a system and method for distributing a request for an object from a requestor. (See col. 4, lines 41-43). Using an affinity value can be desirable to take into account geographical factors in the location of the requester in relation to the host that stores the replica. (See col. 7, lines 24-29).

Claim 1:

Referring to claim 1, Rabinovich teaches a method for transferring electronic data, the method comprising:

receiving a request to access a communications system at a first geographic location from a client located at a second geographic location remote from the first geographic location; (See col. 4, lines 41-43 and col. 7, lines 24-29).

identifying a proxy local to the client in the second geographic location; and receiving subsequent data requests from the client at the proxy. (See Fig. 3).

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Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy allows for concealing passwords from the public thus security is enhanced. Therefore, claim 1 is rejected.

Claim 4:

Referring to claim 4, Rabinovich teaches the method of claim 1, further comprising determining whether the data request can be satisfied by electronic data stored in a cache at the second geographic location. (See col. 6, lines 11-13, 26-28 and 53-56 and col. 9, lines 53-55). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the request distributor taught by Rabinovich. Therefore, claim 4 is rejected.

Claim 5:

Referring to claim 5, Rabinovich teaches the method of claim 1, further comprising sending the data requests to the Internet. (See col. 6, lines 7-8 and col. 9, lines 63-65). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the Internet taught by Rabinovich. Therefore, claim 5 is rejected.

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Claim 6:

Referring to claim 6, Rabinovich teaches the method of claim 1, further comprises retrieving electronic data responsive to the data requests at the proxy.

Rabinovich teaches a system and method where the request distributor selects a host to respond to the request. (See col. 7, lines 39-44). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy would allow for concealing passwords from the public thus security is enhanced. Therefore, claim 6 is rejected.

Claim 8:

Referring to claim 8, Rabinovich teaches the method of claim 1, further comprising performing filtering of electronic data at the proxy.

Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose filtering of electronic data at the proxy. However, Coley extensively teaches the concept of proxy, (See abstract) and Coley further teaches a filtering technique known as "packet filtering." (See col. 3, lines 5-10).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy would allow for concealing passwords from

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the public thus security is enhanced and filtering is a technique used firewalls to protect the network. Therefore, claim 8 is rejected.

Claim 9:

Referring to claim 9, Rabinovich teaches the method of claim 8, wherein the filtering is performed according to contents filtering. (See above).

Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose filtering of electronic data at the proxy. However, Coley discloses contents filtering technique (See col. 3, lines 51-54).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the contents filtering as disclosed by Coley. Using a proxy would allow for concealing passwords from the public thus security is enhanced and filtering is a technique used firewalls to protect the network. Therefore, claim 9 is rejected.

Claim 10:

Referring to claim 10, Rabinovich teaches the method of claim 1, further comprising transferring electronic data responsive to the data requests to a client from the proxy.

Rabinovich teaches a system and method where the request distributor selects a host to respond to the request. (See col. 7, lines 39-44). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

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Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy would allow for concealing passwords from the public thus security is enhanced. Therefore, claim 10 is rejected.

Claim 11:

Referring to claim 11, Rabinovich teaches the method of claim 1, wherein the first geographic location is in a first country and the second geographic location is in a second country different than the first country.

Rabinovich teaches a platform that is distributed globally. (See col. 9, lines 53-58). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the global system taught by Rabinovich. Therefore, claim 11 is rejected.

Claim 12:

Referring to claim 12, Rabinovich teaches the method of claim 1, wherein the communications system is an online service provider.

Rabinovich teaches an Internet Service Provider otherwise known as online service provider. (See col. 9, lines 62-65). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the online service provider taught by Rabinovich. Therefore, claim 12 is rejected.

Claim 16:

Referring to claim 16, Rabinovich teaches the computer program of claim 15, the computer readable medium comprising a disc. Rabinovich teaches a hard disk. (See

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col. 6, lines 13-16). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the hard disk taught by Rabinovich.

Therefore, claim 16 is rejected.

Claims 17 and 18:

Referring to claim 17 and 18, Rabinovich teaches the computer program of claim 17 and 18, the computer readable medium comprising a client device and a host respectively. Rabinovich teaches a host/client system. (See col. 6, lines 33-41). Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the processor and memory taught by Rabinovich as host and/or client device. Therefore, claims 17 and 18 are rejected.

8. Claims 2, 3 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabinovich (US 6,256,675) in view of Coley et al. (US 5,826,014 and in further view of Loehndorf, Jr. et al. U.S. 6,094,437).

Rabinovich teaches the invention substantially as claimed including a system and method for distributing a request for an object from a requestor. (See col. 4, lines 41-43).

Claim 2:

Referring to claim 2, Rabinovich teaches method of claim 1, further comprising encapsulating the data requests in a Layer Two Tunneling protocol at the proxy. (See above).

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Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy would allow for concealing passwords from the public thus security is enhanced.

Neither Rabinovich nor Coley disclose Layer Two Tunneling protocol. However, Loehndorf teaches the Layer Two Tunneling protocol in extenso. (See abstract).

Tunneling is a technology that enables one network to send its data via another's network's connection. Therefore, claim 2 is rejected.

Tunneling is a technology that enables one network to send its data via another's network's connection. Therefore, claim 13 is rejected.

Claim 3:

Referring to claim 3, Rabinovich teaches the method of claim 1, wherein the tunneling protocol comprises User Datagram Protocol.

Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the

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proxy as disclosed by Coley. Using a proxy allows for concealing passwords from the public thus security is enhanced.

Neither Rabinovich nor Coley disclose Layer Two Tunneling protocol. However, Loehndorf teaches UDP at col. 9, line 10 and 61. UDP is more efficient than TCP; thus claim 3 is rejected.

Claim 13:

Referring to claim 13, Rabinovich teaches the method of claim 1, wherein the proxy comprises an IP tunnel.

Rabinovich teaches a system and method for distributing a request for an object from a requestor. (See above). Rabinovich does not explicitly disclose the proxy limitation. However, Coley extensively teaches the concept of proxy. (See abstract).

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to combine the request distributor taught by Rabinovich with the proxy as disclosed by Coley. Using a proxy would allow for concealing passwords from the public thus security is enhanced.

Neither Rabinovich nor Coley disclose IP Tunneling protocol. However, Loehndorf teaches IP Tunneling protocol in extenso. IP tunneling would allow non-IP networks to communicate over the World Wide Web; thus claim 13 is rejected.

9. Claims 7, 14-15 and 19-29

These claims do not teach or define any significantly new limitation above and beyond claims 1-6 and 8-13 to warrant particular treatment, and therefore are rejected for similar reasons.

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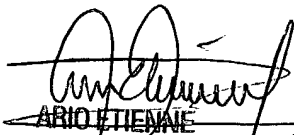
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Emmanuel Coffy
Patent Examiner
Art Unit 2157

EC
September 21, 2004


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